

EXHIBIT D



U.S. Department of Justice

Environment and Natural Resources Division

90-5-1-1-10026

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September 14, 2012

BY ELECTRONIC MAIL

The Honorable Sally Shushan
United States District Court for the
Eastern District of Louisiana
500 Poydras Street, Room B-345
New Orleans, LA 70130

Re: MDL 2179: Anadarko's Declaration in Response to its Phase Two Rule 30(b)(6)
Deposition Notice

Dear Judge Shushan:

The United States has reviewed the August 24, 2012 Declaration of Nancy Wilms ("Declaration"), which lists the topics in the Anadarko 30(b)(6) Deposition Notice ("Notice") for which Anadarko has determined that it does not possess responsive information. *See* Declaration [Attachment 1]; Notice [Attachment 2]. The Court's June 27, 2012 Order Regarding Anadarko's Objection's to the Rule 30(b)(6) Notice ("Order") [Rec. Doc. 6818] provides for a party to raise the need for testimony on those topics should discovery produce information that calls the Declaration into question. While our review of the documents in Anadarko's production is ongoing, we have identified documents that undermine Anadarko's contention that it has no information on certain topics, examples of which are discussed below. Accordingly, we ask that Anadarko provide a 30(b)(6) witness for these topics.

As detailed in the United States' June 21, 2012 letter to the Court [Rec. Doc. 6805], and confirmed in Anadarko's Declaration, Anadarko personnel Mike Beattie, Tim Dean, Mike Lemkar, Dennis McDaniel, Bob Quitzau, and Steve Woefel assisted BP throughout the response on source control and well kill efforts. Nonetheless, Anadarko claims not to have information on Topic 1.c of the Notice, which seeks information related to "the manner and methodology, including computer models, used to assess" each attempt to cap, control, and kill the Macondo well by any method, including the top kill, junk shot, capping stack, and relief wells. The following documents, however, suggest that Anadarko personnel were actively involved in assessing and evaluating the risks of various source control methods:

- ANA-MDL2-000054970 – 000054975: A document titled “Evaluation of BHA [Bottom-Hole Assembly] Component Failure Risk due to Hydraulic Load Encountered during Mud Losses at Target Well Intercept MC252 #3.” This BP document, which assesses certain risks related to the drilling of the relief well, lists Bob Quitzau of Anadarko as a “Reviewer.” [Attachment 3].
- ANA-MDL2-000054886 – 000054889: An email chain between Bob Quitzau and Pat Watson, Todd Durkee and Mike Pfister, all of Anadarko, dated June 24, 2010, with subject “Macondo Update.” This exchange includes an extended discussion of the planned relief well intercept, kill and cementing procedures, and “outstanding issues” related to those plans. For example, Bob Quitzau notes, “There is data to support a significant amount of depletion from the flowing zone. Based on this the final mud weights and cement densities are being adjusted, though the dynamic kill mud is still 14.1 ppg surface mud wt.” At ANA-MDL2-000054887. [Attachment 4].
- ANA-MDL2-000032636 – 000032638: A document titled “Well Kill – Timing,” which purports to “assess[] the feasibility of, and the possible advantages and disadvantages of waiting for the second relief well before initiation of kill efforts to the MC252 #1 well.” [Attachment 5]. A cover email forwarding the document lists Bob Quitzau as a recipient. ANA-MDL2-000032633 – 000032635. [Attachment 6].
- ANA-MDL2-000123457 – 000123463: An email chain containing updates on BOP intervention efforts from Steve Woelfel to Darrell Hollek, Tim Dean, Mike Lemker, Bob Quitzau, and others at Anadarko, dated April 29, 2010 through May 2, 2010. [Attachment 7].
- ANA-MDL-000258528: An email invitation from William Burch to Bob Quitzau and others to a June 22, 2010 meeting, stating “[t]he objective of the meeting is to discuss the work done on depletion and possible reduction in fracture pressure; review how depletion may affect the hydraulic kill; propose changes to the operational guidance on cementing; and evaluate if further well control modeling, dynamic kill or cementing simulations, or reservoir modeling work is needed.” [Attachment 8]. A subsequent email from Bob Quitzau to William Burch indicates that Quitzau “[a]ccepted” the meeting invitation. ANA-MDL-000258677. [Attachment 9].

Anadarko also claims not to have any information related to efforts to predict, estimate, characterize or measure temperatures and pressures (other than reservoir pressure) of the Macondo Well, BOP, and capping stack, and at any points from which hydrocarbons were released into the Gulf of Mexico (Notice Topics 7, 8, and 14). The following documents suggest otherwise (emphases added):

- ANA-MDL2-000122842 – 000122851: An email exchange involving Bob Quitzau, Pat Watson, Steve Woelfel, Todd Durkee, and Mike Pfister of Anadarko dated May 4, 2010 through May 16, 2010 discussing procedures for the “rate diversion kill”; Bob Quitzau states in his update, “***A new development is that the pressure below the BOP appears to be dropping (+/- 3100 psi), while the pressure above the BOP is holding (+/- 2800 psi).*** This may be critical in that we are losing the pressure drop across the BOP that we will rely on to create back pressure to force mud downhole to kill the well.” At ANA-MDL2-000122842. Earlier in the exchange, in an email dated

May 11, 2010, Quitzau writes “***We are now getting stack pressures - 3600 - 3800 psi depending on who you listen to.***” At ANA-MDL2-000122845. [Attachment 10].

- ANA-MDL2-000001404 – 00001419: A document titled “Horizon BOP Intervention Diagnostic Pumping 28-May-2010,” which appears to list BOP pressures obtained “pre kill,” “post kill,” “post junk,” and “post junk shot 2.” [Attachment 11].
- ANA-MDL2-000123638: An email from Bob Quitzau to Darrell Hollek and Todd Durkee of Anadarko, dated May 29, 2010. Quitzau reports, “Yesterday we tried another momentum kill and it did not work . . . ***BOP pressures declined over the job indicating we were probably moving mud down the hole.***” [Attachment 12].
- ANA-MDL2-000123457 – 000123463: An email chain containing updates on BOP intervention efforts from Steve Woelfel to Darrell Holleck, Tim Dean, Mike Lemker, Bob Quitzau and others at Anadarko, dated April 29, 2010 through May 2, 2010. In the May 2 update, Woelfel states, “Reports are that while cutting the drill pipe the blade looked like it was significantly impeding flow - ***so there might not be much pressure being exerted at this leak pt.***” At ANA-MDL2-000123459. [Attachment 7].
- ANA-MDL2-000122779 – 000122786 [Ex. 8547]: An email from Richard Vargo (Halliburton) to Bob Quitzau, dated May 24, 2010, forwarding a document containing temperature-related plots. [Attachment 13]. Mr. Vargo discussed this document at his deposition last month, explaining that Mr. Quitzau, who was sitting next to him at the pumping table, asked to see the temperature analysis when the two were discussing aspects of the potential top kill operations. *See* Dep. of Richard Vargo, Aug. 22, 2012, at 179-186. [Attachment 14].

In addition, the Declaration identifies several flow rate topics for which Anadarko purports to have no information, including: Topic 4.b and c (relating to efforts by Anadarko or “any other entity working on Anadarko’s behalf”¹ to estimate the amount of discharge from the well after July 16, 2010); Topic 9 (relating to efforts undertaken or used in connection with various estimates announced by the government, including a 5,000 barrels-per-day estimate); and Topic 10 (relating to the use of any flow rate estimates in connection with source control efforts). These documents suggest that Anadarko may possess information about various flow rate estimates and how they were incorporated into source control planning and execution (emphases added):

- ANA-MDL2-000054897 – 000054900: An email to Bob Quitzau (Anadarko) and John Sharadin (BP) from Stephen Wilson (BP) dated May 15, 2010 summarizing the author’s “discussion earlier today with Bob regarding the possible formation and

¹ As designated operator and local agent for Anadarko with respect to the Macondo lease, BP acted on behalf of Anadarko in carrying out the response activities. See Ex. 1944 (Attachment 18 hereto) (includes a “Designation of Operator” form in which Anadarko authorizes BP to “act as the operator and local agent (designated operator) with full authority to act in the lessee’s behalf in complying with the terms of the lease and applicable regulations” at ANA-MDL-00020295); Ex. 1243, at 6.2 (Joint Operating Agreement, Excerpt, Attachment 19 hereto) (“[I]n the event of an emergency . . . the Operator may immediately make those expenditures for the Joint Account as, in its opinion as a reasonable and prudent operator, are necessary to deal with the emergency The Operator shall report to the Participating Parties, as promptly as possible, the nature of the emergency, the action taken, and the Costs incurred.”).

wellhead pressure responses that might be expected during a rate diversion kill.” The email reports a “**current estimated rate of hydrocarbon flow (5000 bbl/day)**” and states that “[i]t is presumed that in order for the rate diversion kill to be successful, the WBM injection rate has to be higher than the flow rate currently being discharged at the wellhead.” [Attachment 15].

- ANA-MDL2-000123457 – 000123463: An email exchange between Steve Woelfel (Anadarko) to others at Anadarko. In an email dated May 2, 2010, Woelfel reports that “Transocean subsea came up w/ the idea overnight to hook up to the Ck/Kill P/T probe (Pressure/Temperature) . . . **which if successful would allow us to determine pressure in stack to get a handle on differentials which should allow better estimation of flow rates, AOF’s, etc.**” [Attachment 7].
- ANA-MDL2-000032636 – 000032638: A document titled “Well Kill – Timing,” which purports to “assess[] the feasibility of, and the possible advantages and disadvantages of waiting for the second relief well before initiation of the kill efforts to the MC252 #1 well.” [Attachment 5]. In making this assessment, this document reports that “**there may be as much as 40,000 bopd currently bypassing the Top Hat #4—or another 1,200,000 bopd to the GoM.**” A cover email forwarding the document lists Bob Quitzau as a recipient. ANA-MDL2-000032633 – 000032635. [Attachment 6].
- ANA-MDL-000021762 – 000021764: An email from Mike Beattie (Anadarko) to Niall Maguire (BP), dated June 21, 2010, discussing options for containing oil flow from Macondo. Beattie recommends installing a “Boomvang flowline,” which has the “**largest internal diameter and will facilitate the highest flowrate.**” [Attachment 16].
- ANA-MDL2-000001057 – 000001062: An email from Bob Quitzau, dated May 9, 2010, re: Stack pressure limits, stating “We didn’t talk about this water zone in the discussion this morning with Mike Mason’s group since **we were only discussing flowing hydrocarbons.**” At ANA-MDL2-000001059. [Attachment 17].

Finally, Anadarko claims not to have information related to efforts by Anadarko or entities working on Anadarko’s behalf to calculate, estimate, predict and/or model the shut-in wellhead pressure of the Macondo Well after the blowout (Topic 17). These documents, which relate to Bob Quitzau’s involvement in planning for the top kill, indicate that he may have knowledge on this topic:

- ANA-MDL2-000122842 – 000122851: An email from Bob Quitzau to Pat Watson, et al., dated May 11, 2010, stating, “We are now getting stack pressures – 3600 -3800 psi depending on who you listen to. Reservoir engineers say this could be representative of virgin conditions (very large reservoir) for flowing conditions. **Shutin pressure build up time to max pressure could be 1 to 3 hours.**” (emphasis added). At ANA-MDL2-000122845. [Attachment 10].
- ANA-MDL2-000001057 – 000001062: An email from Bob Quitzau, dated May 9, 2010, re: Stack pressure limits, stating “We didn’t talk about this water zone in the discussion this morning with Mike Mason’s group since we were only discussing

flowing hydrocarbons. ***We did however learn the latest thoughts on the maximum shut in pressure from the hydrocarbon zones and the potential build up rate when shut in.*** This was very helpful.” (emphasis added). At ANA-MDL2-000001059. [Attachment 17].

In sum, documents from Anadarko’s own production undercut its assertion in the Declaration that it has no information on several of the 30(b)(6) topics listed in the Notice, specifically topics 1.c, 4.b and 4.c, 8, 9, 10, 14, and 17, and topic 7 in its entirety. Accordingly, pursuant to the Court’s June 27 Order, we ask that Anadarko provide a 30(b)(6) witnesses for those topics.

Sincerely,

s/ Judy B. Harvey
Judy B. Harvey

cc: Liaison & Coordinating Counsel
W. Anthony Fitch